

REMARKS

Claim Amendments

Claims 194, 199-207, 209-217, 219-221, 224 and 229 are amended herein. Claim 208 has been canceled. New claims 230-258 have been added. Accordingly, upon entry of the amendments, claims 194-207 and 209-258 are pending.

Support for these amendments can be found throughout the application as filed. No new matter has been added.

Oath

This application has been accorded Rule 1.47(a) status. *See* Decision According Status under 37 CFR 1.47(a), filed with Applicants Submission of Missing Parts in Application on October 12, 2004. As such, Applicants have shown that the non-signing inventor has refused to join in the filing of the above-identified application.

Specification

The specification has been amended to update the status of applications and include a reference to Figures 16A and B. Applicants respectfully note a reference for Figure 3C is found in the last sentence of paragraph [0040]. Accordingly, Applicants request withdrawal of the objections to the specification.

Claim Objections

Claims 220, 221 and 229 have been amended to improve the syntax as suggested in the Office Action. Accordingly, Applicants request withdrawal of the claim objections.

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 194-229 stand rejected on written description and scope of enablement grounds because they allegedly encompass all heteromeric sweet taste receptors, including those which are at least 90% identical to SEQ ID NOS: 6 and 7, and for those which hybridize to SEQ ID NOS: 9 or 10.

As amended, the claims are directed to heteromeric taste receptors that respond to sweet taste stimuli and comprise at least one T1R2 polypeptide and at least one T1R3 polypeptide, wherein said T1R2 and T1R3 are encoded by specific SEQ ID NOs, encoded by nucleic acid sequences that hybridize to specific SEQ ID NOs under stringent hybridization conditions, or are amino acid sequences having at least 90% sequence identity to specific SEQ ID NOs. The claims have also been amended to delete the recitation of fragments. Applicants note the recitation of “at least 90% sequence identity” and the hybridization conditions set forth in the instant claims is consistent with the claim language of U.S. Patent No. 6,955,887. In light of these amendments, Applicants respectfully request withdrawal of the written description and enablement rejections.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 194-229 are rejected over the phrase “and/or.” Applicants have amended the claims to delete “and/or.”

Claims 194-229 are also rejected over the phrase “activation.” Applicants note the previous claims recited “activated by,” rather than “activation.” Nevertheless, Applicants have amended the claims to delete “activated by.”

Claims 199-206, 209-216 and 229 are rejected over the phrase “contained in.” Applicants have amended the claims to change “contained in” to “of.”

Claims 207 and 217 are rejected over the phrase “stringency conditions” and “associated with.” Applicants have amended the claims to recite exact hybridization conditions as suggested in the Office Action. These claims have also been amended to delete the recitation of “associated with.”

Claim 224 is rejected over “label.” Applicants have amended this claim to depend from claim 223 as suggested in the Office Action.

Provisional Obviousness-Type Double Patenting

The Office Action provisionally rejected claims 194-229 under the judicially created doctrine of obviousness-type double patenting over claims 194-234 of co-pending Application No. 10/725,103, claims 194-235 of co-pending Application No. 10/725,472, and claims 194-256 of co-pending Application No. 10/725,475.

Applicants respectfully request this rejection be held in abeyance until this application is condition for allowance.

CONCLUSION

It is believed that these amendments and remarks should place this application in condition for allowance. A notice to that effect is respectfully solicited. If the Examiner has any questions relating to this response or the application in general he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

It is believed that no fees are required for entry of this response, but should any fees be necessary, the Commissioner is authorized to charge such fees to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

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By:



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